

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:07CV157**

**GREAT LAKES REINSURANCE (UK) )  
PLC; and WARTA INSURANCE & )  
REINSURANCE CO., )**

**Plaintiffs, )**

**Vs. )**

**ORDER**

**ANTHONY R. PORTER; BANK OF )  
AMERICA, N.A.; and FIRST )  
INSURANCE FUNDING CORP., )**

**Defendants. )**

**THIS MATTER** is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed February 9, 2009.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On February 9, 2009, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Plaintiffs' motion for summary judgment. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 10 days of service of the Recommendation; the period within which to file objections expired on February 27, 2009. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Plaintiffs' motion be allowed.

**IT IS, THEREFORE, ORDERED** that Plaintiffs' motion for summary judgment is hereby **ALLOWED**.

**IT IS FURTHER ORDERED** that Plaintiffs' motion for default judgment as to Anthony R. Porter filed July 10, 2008, is hereby **DENIED** as moot.

**IT IS FURTHER ORDERED** that Plaintiffs' motion for default judgment as to Anthony R. Porter filed December 29, 2008, is **ALLOWED**.

A Declaratory Judgment incorporating the findings herein is filed contemporaneously herewith.

Signed: March 3, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

